



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/667,036

09/22/2003

Jeyhan Karaoguz

14967US02

7866

23446 7590 05/30/2007
MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER

HAMILTON, LALITA M

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

05/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/667,036

Applicant(s)

KARAOGUZ ET AL.

Examiner

Lalita M. Hamilton

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on January 24, 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

On January 24, 2007, the Applicant filed a Request for Reconsideration. On February 21, 2007, the Examiner responded with an Advisory action re-opening prosecution. A non-final action follows.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by McEvilly (2003/0151621)

McEvilly discloses a system and corresponding circuits for a user to access a plurality of television services and content comprising providing billing support for the exchange of media, a first television display in a first home of a first user, a first storage in the first home, the first storage supporting media consumption by the first television display in the first home, and having a first network protocol address, a user interface, at the first home, having at least one user defined media channel, each of the at least one user defined media channel comprising a sequence of user selected and scheduled media, the user interface supporting selection and scheduling of the media, at least one server storing the media, and having a second network protocol address, and server

Art Unit: 3691

software that receives from the first home via a communication network a request for the delivery of media, the request comprising information securing payment for delivery, and that responds by coordinating the delivery of the media from the at least one server at the second network protocol address to the first storage at the first network protocol address for consumption by the first television display (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); the media comprises at least one of audio, a still image, video, and data (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); the first and second network protocol addresses are one of an Internet protocol (IP) address, a media access control (MAC) address, and an electronic serial number (ESN) (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); the communication network comprises at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); the communication network is the Internet (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); consumption comprises at least one of playing digitized audio, displaying a still image, displaying video, and displaying data (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); the information securing payment for delivery comprises at least one of a device ID, a public key for encryption, information related to services, information regarding payment terms, information regarding billing, and media push/access restrictions and limitations (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); the information securing payment for delivery is received via the communication network from a second user at a second

Art Unit: 3691

home (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); at least one media peripheral communicatively coupled to the first storage, the at least one media peripheral providing at least a portion of the information securing payment for delivery, and the media being delivered to the at least one media peripheral (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); the at least one media peripheral comprises at least one of a digital camera, a digital camcorder, a television, a personal computer, a CD player, a home juke-box, a multi-media gateway device, a multi-media personal digital assistant, a DVD player, a tape player, and a MP3 player (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); the identity of a user receiving media is unknown to the at least one server (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); a first storage in the first home, the first storage supporting media consumption, and having an associated first protocol address, a second television display in a second home, and having an associated second protocol address, a user interface, at the first home, having at least one user defined media channel, each of the at least one user defined media channel comprising a sequence of user selected and scheduled media, the user interface supporting selection and scheduling of the media, at least one server storing the media, and server software that receives from the first home at the associated first protocol address, via a communication network, a request for the delivery of the media, the request comprising information securing payment for delivery, and that responds by coordinating the delivery of the media from one of the first storage and the at least one server to the second television display at the associated second protocol address for consumption (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21,

Art Unit: 3691

262-263); the media comprises at least one of audio, a still image, video, and data (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); the first and second protocol addresses are one of an Internet protocol (IP) address, a media access control (MAC) address, and an electronic serial number (ESN) (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); the communication network comprises at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); the communication network is the Internet (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); the at least one server comprises at least one of a 3rd party service provider, a media storage server, and a broadband head end (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); the identity of a user receiving media is unknown to the at least one server (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); the information securing payment for delivery comprises at least one of a device ID, public key for encryption, information related to services ice ID, a public key for encryption, information regarding payment terms, information regarding billing, and media push/access restrictions and limitations (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); at least one circuitry and media peripheral communicatively coupled to the set top box the at least one media peripheral providing the media (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); the at least one media peripheral comprises at least one of a digital camera, a digital camcorder, a television, a personal computer, a CD player, a home juke-box, a multi-media gateway device, a multi-media

Art Unit: 3691

personal digital assistant, a DVD player, a tape player, and a MP3 player (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); at least one of billing and payment is secured before delivery of the media occurs (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); a first storage in the first home, a second television display in a second home, a user interface having at least one user defined media channel comprising a sequence of user selected and scheduled media, the user interface supporting selection and scheduling of the media, at least one server storing the media, and server software that receives a request for the delivery of the media, the request comprising information securing payment for delivery, and that responds by a coordinating the delivery of the media from one of the first storage and the at least one server to the second television display for consumption (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); wherein the media comprises at least one of audio, a still image, video, and data (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); the communication network comprises at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); the identity of a user receiving media is unknown to the at least one server (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); at least one media peripheral communicatively coupled to the first storage and the at least one media peripheral acting as one of a source or a destination for the media (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); the at least one media peripheral comprises at least one of a digital

Art Unit: 3691

camera, a digital camcorder, a television, a personal computer, a CD player, a home juke-box, a multi-media gateway device, a multi-media personal digital assistant, a DVD player, a tape player, and a MP3 player (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); at least one interface for communicating via a broadband communication infrastructure, at least one processor operably coupled to the at least one interface and to storage containing executable code enabling creation by a first user of one or more media channels for distribution to an authorized second user at a second location remote from the first location, and wherein each of the one or more media channels comprises a sequence of media content selected by the first user, which is made available for consumption by the second user of the media exchange network at times scheduled by the first user (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); the broadband communication infrastructure comprises a cable network (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); the broadband communication infrastructure comprises a digital subscriber line (DSL) network (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); wherein the media content of a media channel is stored at the first location (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); at least a portion of the media content of a media channel is provided by a third party source remote from the first and second user locations (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); the media exchange network comprises a media exchange server that associates authorized users as members of a personal network (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); the media exchange server is located within the communication terminal of the first user

Art Unit: 3691

(p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); media content comprises one or more of digitized video, digitized audio and one or more digitized still images (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); wherein a first user is enabled to anonymously request delivery of media content from a third party to the second user (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); the sequence of media content selected by the first user is received by and stored at the location of the second user prior to the time of availability scheduled by the first user, for consumption at the time of availability scheduled by the first user (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263); and the sequence of media content selected by the first user is pushed to the communications terminal of the second user (p.2, 46 to p.3, 52; p.15, 192 to p.16, 198; and p.21, 262-263).


Although the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action, the specified citations are merely representative of the teachings in the art as applied to the specific limitations within the individual claim. Since other passages and figures may apply to the claimed invention as well, it is respectfully requested that the applicant, in preparing the response, to consider fully the entire references as potentially teaching all of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the Examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


LALITA M. HAMILTON
PRIMARY EXAMINER